IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3438 OF 2007

Smt.Radha M. Dhami. ..Applicant.
Vs.
The State of Maharashtra. ..Respondent.

Ms. Suvatrna Telgote for the Applicant.
Mr.D.P.Adsule, APP. for the State.

Mr.Chandrakant Chavan for the Respondent No.2.

CORAM : B.H.MARLAPALLE,J.
DATE : 23rd October, 2007.

P.C.

1. Heard the learned counsel for the respective parties. This is an application for quashing Criminal Case No.681 of 2006 presently pending before the learned Judicial Magistrate First Class, 2nd Court at Thane.

2. The respondent No.2 and the son of the present applicant Harish were married on 1.7.2003 and after leaving matrimonial home on 12.5.2005 the respondent No.2 had filed a complaint with the Kashimira Police Station against the applicant as well as Harish. On completion of investigations, the police have filed charge sheet. In the mean while, Harish died on 12.3.2007. The applicant and the respondent No.2 compromised and signed an agreement on 4.10.2007. A copy of the said agreement is filed on record at Exh.E. Both the parties therefore, pray for quashing

proceedings in C.C.No.681 of 2006 pending on the file of J.M.F.C. 2nd Court, Thane on the basis of the said agreement.

3. The offence was registered under Section-498A, 406 and 506 read with 34 of the I.P.C. The applicant and the respondent No.2 are present before the court and the respondent No.2 states that the agreement was signed with her free will and she has received an amount of Rs.2,25,000/- by way of demand draft dated 4.10.2007 from the applicant towards all her pending claims and in her affidavit filed before this court she has specifically stated that she supports the quashing of the proceedings pending before the learned J.M.F.C. Thane.

4. Hence, the application is allowed by consent of the respondent No.2-original complainant in terms of prayer clause (a).

(B.H.MARLAPALLE, J.)